

103(a) as being unpatentable over *Wolf* in view of *Fanchon*, and further in view of *Garrison et al.* ("*Garrison*"). Reconsideration of these rejections in light of the following remarks is requested.

A. Wolf in view of Fanchon

Applicants respectfully submit that the *Wolf* in view of *Fanchon* combination is improper and traverse this rejection for the reasons of record, as well as those emphasize below. Applicants respectfully submit that the references fail to teach, and the Examiner has failed to provide, the requisite motivation for combining the teachings of *Wolf* and *Fanchon* in an attempt to arrive at Applicant's claimed invention. As pointed out in response to the first Office Action, the fact that separate teachings in the prior art could be modified or combined to arrive at the invention is not enough to make the invention obvious. The prior art still must suggest the desirability of the modification or combination. See M.P.E.P § 2143.01.

The *Wolf/Fanchon* combination fails to suggest the desirability to the skilled artisan to combine at least one polyamino polymer according to the present invention with at least one nanopigment. Instead, *Wolf* merely provides a laundry list of possible polymers which may be used as carrier molecules, nearly all of which do not meet Applicant's claim limitations. Moreover, the Examiner points to no teaching in *Wolf* that suggests the use of one carrier molecule over another, nor does any exist. The Examiner statement on page 3 of the Final Office Action that "dendrimer polymers are not merely recited in a list, but are discussed in some detail" overlooks the fact that numerous other polymers are also disclosed in the same section of *Wolf*. See col. 3, lines 10-38, and 58-69, as well as col. 4, lines 1-10. The Examiner has therefore

pointed to nothing in *Wolf* that would have led one of ordinary skill in the art to select at least one polyamino polymer according to the present invention over any of the other polymers which may be used as carrier molecules.

Additionally, *Wolf* merely discloses pigments as optional ingredients in the compositions of *Wolf*, as evidenced by the fact that pigments are not used in several of the example compositions, such as Examples 6 and 7. Importantly, *Wolf* fails to disclose any nanopigments, and none of the Examples in *Wolf* show using any pigments with at least one polyamino polymer as claimed. Accordingly, the skilled artisan looking at *Wolf* would find no motivation to select either i) at least one polyamino polymer according to the present invention from the laundry list of possible polymers which may be used as carrier molecules, or ii) at least one nanopigment, let alone both of these selections.

Fanchon does not cure the deficiencies of *Wolf*. Rather, *Fanchon* only briefly teaches that pigments and nanopigments are known in the art, and fails to provide any disclosure that would have led one of ordinary skill in the art to select nanopigments over pigments. Further, *Fanchon* is silent with respect to polyamino polymers according to the present invention, and therefore cannot provide a suggestion for why one of skill in the art would choose to combine these polyamino polymers with nanopigments. Accordingly, *Fanchon* fails to provide any suggestion whatsoever that would have led the skilled artisan to use nanopigments in place of the pigments taught by *Wolf*.

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Autology

The Examiner has responded to Applicant's traversal of this rejection by stating that "dendrimer polymers are not merely recited in a list, but are discussed in some detail." See page 3 of the Final Office Action. This argument overlooks the fact that, in order to provide the requisite motivation, the references must suggest to the skilled artisan that there is some desirability for choosing i) at least one polyamino polymer according to the present invention from the polymers of *Wolf*, and ii) at least one nanopigment from the disclosure of *Fanchon*, and then some desirability iii) for combining these components to form a cosmetic and/or dermatological composition.

At best, the prior art discloses that the components of the present invention may be individually known to those of ordinary skill in the art-a fact set forth in the present specification. However, randomly picking and choosing from the polymer and pigment repository of the prior art does not establish a *prima facie* case of obviousness. Rather, as emphasized above, the prior art still must suggest the desirability of the combination suggested by the Examiner. As the prior art clearly fail to provide the requisite motivation for the combination, Applicants respectfully request that the rejection be withdrawn.

Regarding claim 37, Applicants submit that the benefit of using at least one polyamino polymer according to the present invention in an antioxidant composition has not been recognized in the prior art. *Wolf*, the primary reference used to reject the claims, does not even mention antioxidants and therefore could not be considered to be an antioxidant composition. Furthermore, *Fanchon* only generally teaches that antioxidants are known in the art, and does not mention the polyamino polymers of the

present invention. Such a general teaching cannot suggest an antioxidant composition comprising at least one polyamino polymer according to the present invention. Thus, neither *Wolf* or *Fanchon*, taken separately or in combination, provide any teaching or suggestion of the antioxidant composition recited in independent claim 37.

B. Wolf et al. in view of Fanchon et al. and Garrison et al.

Claims 24-26 were rejected under 35 U.S.C. 103(a) as being unpatentable over *Wolf* in view of *Fanchon* as applied to claims 1-23, 27, 28, 33-35, 37 above, and further in view of *Garrison*. Claims 24-26 depend from claim 1, and therefore are patentable for the reasons set forth above. *Garrison* fails to provide the missing motivation needed for the *Wolf* and *Fanchon* combination. In fact, *Garrison* is completely silent with respect to any polyamino polymer according to the present invention. Therefore, Applicants request that this rejection be withdrawn.

III. Conclusion


In view of the foregoing remarks, Applicants submit that this claimed invention is not rendered obvious in view of the prior art references cited against this application. Applicant therefore request the entry of this Response, the Examiner's reconsideration and reexamination of the application, and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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